Pages 1 - 25

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Edward M. Chen

GUARDANT HEALTH, INC.,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	**NO. 3:21-cv-4062 EMC**
	)	
NATERA, INC.,	)	
	)	
Defendant.	)	
	)	

San Francisco, California
Thursday, February 15, 2024

TRANSCRIPT OF PROCEEDINGS BY ZOOM WEBINAR

APPEARANCES BY ZOOM WEBINAR:

For Plaintiffs:

SHEARMAN & STERLING LLP
300 West 6th Street, 22nd Floor
Austin, TX 78701
BY: SAUL H. PERLOFF
ATTORNEY AT LAW

SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022
BY: CHRISTOPHER LLOYD LaVIGNE
ATTORNEY AT LAW

KELLER/ANDERLE LLP
18300 Von Karman Ave., Ste. 930
Irvine, CA 92612
BY: JENNIFER LYNN KELLER
CHASE A. SCOLNICK
ATTORNEYS AT LAW

REPORTED REMOTELY BY: Rhonda L. Aquilina, RMR, CRR, CRC
CSR No. 9956, Official U.S. Reporter

APPEARANCES CONT'D.

For Defendant:

QUINN, EMANUEL, URQUHART & SULLIVAN, LLP
555 Twin Dolphin Dr. - 5th Floor
Redwood Shores, California 94065
BY: VICTORIA MAROULIS
BRIAN C. CANNON
MARGARET SHYR
ATTORNEYS AT LAW

QUINN, EMANUEL, URQUHART & SULLIVAN, LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
BY: RYAN SADLER LANDES
ATTORNEY AT LAW

Thursday - February 15, 2024 **4:30 p.m.**

P R O C E E D I N G S

---o0o---

THE CLERK: A reminder to everyone observing: These proceedings are being recorded by this court. Any other recording of this proceeding, either by video, audio, including screen shots, or other copying of the hearing is strictly prohibited.

Calling civil action 21-4062, Guardant Health, Inc. versus Natera, Inc.

Counsel, please state your appearances for the record, beginning with the plaintiff.

MR. PERLOFF: Good evening or good afternoon, Your Honor. Saul Perloff on behalf of the plaintiff Guardant Health. With me from my firm is Chris LaVigne. And I'd like to introduce you to our newest team members Jennifer Keller and Chase Scolnick.

MS. KELLER: Good afternoon, Your Honor. Jennifer Keller also on behalf of Guardant.

THE COURT: All right. Thank you. Good afternoon.

MR. SCOLNICK: And good afternoon, Your Honor. Chase Scolnick, also on behalf of Guardant.

THE COURT: All right. Thank you.

MS. MAROULIS: Good afternoon, your Honor. Victoria Maroulis with Quinn, Emanuel for Natera. And with me are my

partners Brian Cannon, Ryan Landes, and Margaret Shyr.

THE COURT: All right. Good afternoon, Ms. Maroulis, and everybody else.

So I thought we should talk as a group here and figure out what we're going to do. It seems to me that this recently I won't say published study, but this revelation of the results of the COBRA trial seemed pretty relevant. I don't know how much weight to be giving it, and there's a lot to be explored, it appears.

But it seems to me that given the nature of this case, I have a hard time seeing how we could just ignore this thing and pretend it didn't happen. And if that's the case, is there a way -- there's obviously some discovery that would need to be done. There's several expert reports. Is it reasonable to expect that all to happen in light of the February 26th pretrial conference and the March 11th start date in this case.

So I want to hear I think first from Guardant. I see what Natera wants to do, and they've got an expert now opining on this. But Guardant's response is that, well, we've got an interview -- or I don't know if you want to depose the authors of the study, file a counter expert report or what.

Maybe I can hear from Guardant what they feel they need to do in order to respond and prepare, assuming this study is going to be admitted or at least discussed at trial.

MR. PERLOFF: Yes, Your Honor. Look, let's take stock

where we are. We are less than four weeks from trial, and having this door open would require us to take significant discovery from, as you suggested, the study sponsor from the principal investigators who did not want the study closed - perhaps from Dr. Parikh whose opinion he -- Dr. Hochster purports. Plus, if you look in his report, he's making comparisons to other data that we would need to take discovery on.

After all of that discovery were taken, we would need to prepare our own rebuttal expert report, do a *Daubert* motion probably almost certainly, and we just wouldn't have time to do it. If the Court knows how long it took just to discover the one, you know, Harvard Parikh study that's at issue in this lawsuit.

But I really do want to, if I may, push back on the idea that it's relevant, because certainly the tone and tenor of their argument that this is the most significant thing that has happened might lead one to believe that. But let me attempt to correct the record if I can.

The COBRA study had to do with clearance rates, so in -- specifically you had patients with very low risk of recurrence who -- some of whom were put on chemotherapy and some of who weren't. The Reveal test was used to determine whether or not they had ctDNA. The reason for the closure was because the 16 patients they looked at, they didn't see the clearance rates

that they thought they would on the two arms: The people who got chemo and those that didn't.

If you look at his report, and actually at the data that he shows, it does not have anything to do with sensitivity, specificity, PPV, NPV, pre-surgical sensitivity, lead time, failure rates, turnaround time - none of those things are addressed at all, because that's not what the study was designed to do, and, more importantly, they didn't collect any of the recurrence data.

So to the extent they're trying to make this fit into one of their arguments in the case, for example, that specificity is exaggerated, it can't tell you anything about specificity because nobody knows what happened to these patients.

There are certainly some very interesting questions raised by the study about why, for example, did -- you know, were the blood samples drawn during chemo instead of after; why were the principal investigators ignored, things like that. But those don't have anything to do with the remaining issues in this case.

So especially given where we are, it doesn't seem fair to put Guardant to this Hobson's choice of either getting to finally have its day in court or to properly and fully address this ambush, quite frankly.

And just to put it in context, COBRA is not the only study that has reported data since the close of discovery in this

case 18 months ago. There are other studies that he doesn't address. And of course the whole point of discovery cutoffs is at some point in time you've got to say when. And this Court and the parties said *when* 18 months ago.

And, you know, to constantly refresh or bring up new studies, because there are favorable studies, things that were in his original report that he doesn't address due to new data, we would be -- it would be a never-ending process.

So with due respect, the sound bites from his report and from their papers might lead you to think it has something to do with sensitivity, specificity or the issues that are in this suit, but it doesn't, and that's why the data they actually show you don't say those words, ever.

MR. CANNON: Your Honor, may I respond to that -- or, sorry. Go ahead.

THE COURT: You will, but I'm asking, it may not answer everything, and there may be shortcomings, and there may be some limited, limitations to its relevance. On the other hand, if you're suggesting it's not relevant and not significant, I guess I'm going to hear the other side. But that seems to me a hard position to take here.

MR. PERLOFF: There's no doubt, Your Honor, the decision to close the trial was surprising, especially because the principal investigators argued against it. But, again, it does not -- it is not a reflection on the performance of the

assay. It's not a testament to the performance of the assay. And therein lies the problem, right? Because, again, if the -- this was a determination of whether or not the ctDNA could be used to direct accelerated treatment for patients who ordinarily wouldn't get it. And this analysis that they're focused on was this very limited set of 16 patients, and they received the results and made the decision not to move forward, notwithstanding the recommendation of the principal investigators.

THE COURT: Well, to say it had nothing to do with the performance of the assay, I'm not sure I understand that. I mean, isn't there -- doesn't that suggest the possibility of false positives and false negatives here?

MR. PERLOFF: No. And I want to be clear, it definitely shows that if you draw blood during chemotherapy -- as opposed to the time points that the test is designed for, validated for, and advertised for, which would be after surgery, after chemotherapy -- you're going to get aberrant results, that version of the test.

Because during chemotherapy you have essentially an explosion of dead cells in the bloodstream, right? Because, as I'm sure everybody on this call knows, chemotherapy doesn't just target the cancer cells; it targets all fast-growing cells. And so you have just a ton of circulating DNA, both from cancer and non-cancer.

And without a doubt it showed that if you draw blood during that time period, as opposed to what the study was designed, which was after chemo, you're not going to get the results you think you should get.

But, again, to say that that has anything to do with the advertising that the parties have focused on in this suit, which had to do -- and you know these time points because they've been discussed *ad nauseam*: Post-surgery, landmark, surveillance. This wasn't testing that, and therein lies the problem, and that's why it's brand new.

THE COURT: All right. Mr. Cannon.

MR. CANNON: Thank you, Your Honor.

So there's quite a bit to unpack there, but I want to address the timing of this first, and that is that the clinical trial was shut down last August, and Guardant has known this. So there's no actual ambush going on here. The clinical trial was shut down and the letters went out to the doctors in August, and Dr. Hochster included that in paragraph 37 of his supplemental report.

And Your Honor is absolutely correct about the relevance. Shutting down a trial like this is a big deal. And the issue is what Your Honor identified, which is the excessive rate of false positives, and that is an issue, as Your Honor knows, that's in the case. It was in Dr. Hochster's original report, and it was the subject of a *Daubert* motion. And Your Honor in

the *Daubert*, the *Daubert* order, you know, identified that, look, the rate of false positives is an issue in this case, and Dr. Hochster is allowed to testify about it.

So there's no surprise in terms of the subject matter. And, in fact, the letter that was sent to the doctors in August of 2023, it reads: Quote, the higher-than-expected false positive rate resulted in the trial not passing the interim analysis and, as such, the trial will be closed to accrual.

So, you know, this issue has been known to Guardant. It's not an ambush. And as soon as the data was publicly disseminated at the conference in January, Dr. Hochster prepared a supplemental report. He attended the conference, and his patients were participants. He encouraged his patients to participate in the study. And we provided the supplemental report to Guardant just as quickly as we could.

Your Honor had a good question at the beginning, which is what's the prejudice, you know, how can -- what kind of discovery needs to happen? And, you know, Mr. Perloff, it sounds like his cross-examination is pretty much ready to go in terms of the detailed technical questions that he had. We have offered Dr. Hochster for a deposition, and, you know, to date Guardant has not followed up, but I think all of these questions have been addressed to Dr. Hochster at his deposition and subsequently at cross-examination trial.

THE COURT: What about, though, examining Dr. Hochster

is one thing. Talking to the principal investigators and the authors of the study to find out more, it seems to me that's, you know, that's something that would be fair game, but that's a third party. I don't know how hard it is, where these folks are, how available they are, how cooperative they are, et cetera, et cetera.

MR. CANNON: I understand that, Your Honor. I mean, I do feel that sort of a desire to open up extraneous third-party discovery is a little overstated. The data is the data. It was shut down. We've got the letters from NRG Oncology, which was supervising the clinical trial. That letter is in Dr. Hochster's supplemental report.

So to the extent that this additional discovery is needed, I'll say Guardant has known about this for quite some time, and it's a little bit of a sort of an, oh, we've been surprised by this when the final data came out in January, since it was the Reveal product that was used in the trial for the last few years. Guardant knew that, and Guardant knew that the trial was shut down August of last year. So to say now, oh, now we need to do all this discovery on this trial all of a sudden, this clinical trial, I think that is an issue of somewhat of Guardant's own making.

And we can provide Dr. Hochster, obviously. And Guardant obviously has a lot of resources to investigate the technical issues on its own, which it sounds like it already has done.

THE COURT: All right. Mr. Perloff.

MR. PERLOFF: Yeah, if I may. This idea that we're not prejudiced because Guardant knew when the trial was closed, we did know when the trial was closed. But because the trial was not closed due to a reason that was in this lawsuit, we certainly didn't expect that five months later or three, whatever, how many months afterward, we'd get a supplemental report.

The prejudice comes in part from Dr. Hochster waiting to file the supplemental report.

And I want to just mention something --

THE COURT: Well, this is all triggered by the release of the abstract which triggered the report. So I agree with you, it's not necessarily fair to do, you know, to do an investigation when you don't have the abstract. I don't want to pin it on whether they delayed with Dr. Hochster. I don't think that's a fruitful area.

I think the question, the practical question is, all right, maybe you have a right or an interest in talking to the investigators, the authors of this report. I don't know about the sponsors, but, I mean, you know, you don't have a right to cross-examine ever person who participated, but at least the principal people to get to the bottom of what about, what the explanation is, et cetera, et cetera.

How difficult would it be, did you make an effort to try

to contact any of the investigators in this report?

MR. PERLOFF: No, not since we've received their report, no. But I do want to be clear, the reason we would need to take the deposition -- you know, the deposition and discovery of the sponsor NRG is -- and Mr. Cannon alluded to it but cut off the beginning of the sentence -- the only thing that came from the study that mentioned false positives, i.e. specificity, came from that letter. And what it said, and he cut off the beginning part, was we learned from the -- from Guardant that it had excessive false positives. So Guardant knows that it did not provide that information or say that.

So we need to know from NRG -- which apparently Dr. Hochster has been in contact with during this case, we know that from his deposition, he acknowledged that he was in contact with them -- what communications went on, why did they make this decision. Why did they put that language in there when the principal investigator said that's not right? And so at a bear minimum we would need to do that.

And then to the extent that he's drawing comparisons, do other studies with different patient populations that we're looking at things differently, different draws, if he's really going to do that we would need to look at those as well.

In other words, we would need to have a completely full and fair opportunity to defend ourselves. Because this really is the way that they're reporting it, they want to make it the

new centerpiece of their case.

THE COURT: Right. And you will have a -- they're saying that they're making Dr. Hochster available, and he should be subject to further examination. He's filed a supplemental report, and you can respond to that. You can respond with your rebuttal report. I mean, all that seems doable.

The only thing that's not directly within your control is access necessarily to the authors, the investigators, perhaps the sponsor of the COBRA study.

MR. PERLOFF: Right. I mean, I think that's right. I mean, if the Court considers how long the parties spent looking at just, for example, the Parikh study, which is at issue in this lawsuit, it took almost a year if not a year to conduct discovery to get the investigators, to get the authors. And here, you know, we'd be starting from scratch with a little more than three and a half weeks until trial. It could not be done.

Even, honestly, it would be -- we would want, and I think deserve to have, the written discovery from these different people before we cross-examine him at his deposition. And then presumably they would want to take the deposition of our counter expert, and based on whatever rebuttal report they prepare.

And, again, I just -- the choice of having to either

forego a complete rebuttal of what we think is a hit job, and I know they think it isn't, but in order for us to be able to prove to you, for example, and the jury, Your Honor, that it isn't what they say it is, we need substantial discovery. And trying to get that all done while we're simultaneously preparing for trial with the final pretrial conference, as you correctly note, you know, 9 -- no, 11 days away, it's not feasible.

THE COURT: Well, in your view, what is feasible? If this is going to come in, what are you telling me how much time you need?

MR. PERLOFF: I would love to be able to confer with my team, but I would think it would take us three or four months just to -- because of the third parties.

MR. CANNON: Your Honor, may I respond to that, please?

THE COURT: Yeah.

MR. CANNON: The COBRA trial has already been subject to discovery. Dr. Hochster was examined at his deposition about the COBRA trial. It was mentioned in his original report as an ongoing clinical trial, and he was examined in his deposition about it. These letters went out from NRG Oncology in August of last year.

So sort of the, I don't want to call it the complaint, but sort of the request that, oh, we need this massive, massive

amount of discovery in a very short amount of time, I think that rings hollow a little bit in terms of what discovery has been done to date and Guardant's preexisting knowledge.

It actually sounds to me like Guardant knows more about what the principal investigators have been doing than we actually know, based on Mr. Perloff's statements. So there probably has been communications there.

And I do feel, look, you could never have the perfect amount of discovery leading up to trial. It's never going to happen. But this was a big result that was disclosed in January at the Health Conference, and it's a very, very important part of sort of the world of facts the jury needs to know about in order to evaluate the claims here.

MR. PERLOFF: If I may, there was no extensive discovery taken on COBRA. What Dr. Hochster said about COBRA in his original report is I'm not relying on COBRA, and what he said at his deposition was I've enrolled some patients in COBRA, and I'm in contact with NRG or the parent, the National Cancer Institute, about COBRA. That's what he said. Nothing about -- because the whole point was none of these facts were at issue.

In the same way, when we cut off discovery, all of the additional facts from other trials that have been positive that actually, you know, report, for example, on sensitivity and specificity in a positive way for us or in a negative way for

them, have not been the subject of supplements, and that's, I think, what I'm fundamentally getting at.

I understand, you can't decide today, based on what you have, whether who is telling you the truth about whether this really is relevant to the issues or to the performance of the test even writ large, or not. But if they're reopening discovery on new data that has been generated since the close of discovery, how could it be fair for us not to be able to, for example, go into the other data from other studies favorable to us, negative for them. And that's, I think, where our biggest concern lies with trying to do it in a short period of time, because there has been new data.

THE COURT: Well, let's say that we open the door. You're suggesting opening the door to introduction, perhaps reliance by your expert on other positive studies. How many such studies have there been since the close?

MR. PERLOFF: Well, there's been additional data that was generated, I know, on COSMOS and, hang on a second.

MR. CANNON: Only the COSMOS study is the one that there has been some additional data, but that has also been addressed in your dagwood order and in the earlier reports.

MR. PERLOFF: But by definition the new data hasn't, because it wasn't in any reports, with all due respect.

There were additional data I think also on their trials in GALAXY and BESPOKE. I'm not sure if PEGASUS has reported out

or Track B has reported out, but there are these other ones. There was like a 2000 -- a study of the first 2000 commercial samples, a Reveal that was reported out since the close of discovery.

And all of these, if you're really trying to just instead of focusing on the actual advertising statements but more generally on the performance of these two tests, there's been a lot because it's a research field, and it's a growing area. But it's not just this one. And some of those were even reported at the very same conference that Dr. Hochster was at but, again, he doesn't talk about.

THE COURT: So if the door were opened to allow supplemental expert reports, let's say on your side, to bring in these other studies, I mean, through additional depositions and additional reports why can't that be done in a fairly quick period?

MR. PERLOFF: Well, I think just on that, just where if we were just to do a new supplemental report, not a rebuttal to theirs but just our own supplemental report, I'm sure we could find and retain an expert maybe in the next, you know, two or three weeks and put them under the gun to like write a quick update report from our perspective of the latest data. But, again, that still wouldn't give them a chance to take discovery of that, and it doesn't really address our need to rebut.

We need the discovery especially if he's relying on, for example, the statement by the NRG, where did they get that information when they don't report any specificity data, when they don't report any false positive data.

So we would need to get to that bottom of that to fairly address just the one study.

MR. CANNON: Your Honor --

THE COURT: Go ahead.

MR. CANNON: I was just going to say, you know, there's a lot of lawyers involved in this case and a lot of lawyers on the Guardant side, and a lot of this work could have been done, you know, earlier on. So my point that, you know, I feel like it's a problem of their own doing to squish it all into the end here. And I really don't see this as being a big open discovery.

As you pointed out at the beginning, Your Honor, what happened in the COBRA trial is a big deal in this field. It was terminated early. And the sponsor said it was because of an excessive rate of false positives, which is an issue in this case, and that is what Dr. Hochster, an oncologist who has already passed *Daubert*, he testified in his deposition about that. It's in his report. It passed *Daubert*. It's an issue for trial. And I don't see -- and I know that Guardant wants to keep that out of this trial, but I don't think by saying we need all of this discovery is a valid reason to keep it out.

All the lawyers are working hard. We can keep working hard. And we will put Dr. Hochster up for deposition. They can seek the discovery that they want.

Natera does not feel like it needs really much extra discovery, so we are prepared to go to trial as scheduled.

But this is a significant development in the field and should be an issue for trial. And Your Honor is going to put us on a clock for trial, so we have a limited number of minutes to cover a lot of issues, and this is an important issue for Dr. Hochster.

MR. PERLOFF: We're already --

THE COURT: What information do you have about the whereabouts and availability of the principal investigators, authors of the COBRA trial? Do you have any information, Mr. Cannon?

MR. CANNON: No, I have no information other than what's in Dr. Hochster's report. He received the letter from NRG Oncology because he's a doctor and he has patients involved in it. That's in his report. I believe Guardant has that information as well. But I have no insight into the investigators beyond what's in Dr. Hochster's report.

THE COURT: Well, it does seem to me that if this -- and I'm still of the view that this is relevant evidence that I think should not be excluded at trial. I think the question is what -- what needs to be done in order to get -- to give

Guardant a fair chance to cross-examine or deal with this evidence.

And I do think, in addition to the deposition of your expert, filing a counter expert or a rebuttal report, maybe with or without some of the new studies, is a matter of sort of equity here.

I think the big issue is what the availability is to the extent of some limited discovery that might be sought, especially since there's not a published paper. We have an abstract and a presentation. We don't have a peer-reviewed published journal that has all the data with tables and everything else. So it seems to me that's required.

But I'm working a little bit in the dark here, because I don't know where these folks are, who might be done and how quickly they can be made available. And so I'm inclined to have the parties do some very quick investigation to find out where these folks are, what the availability is.

Is there a way that they can be made available, one or more of whatever, you know, may be needed. At least enough so that there's a fair amount of investigation, cross-examination that can be done, whether that can be accomplished in a very short period of time or what.

And so I'm inclined to direct the parties, and I think both can make that inquiry about, you know, where folks are, whether they are amenable to cooperation and would be subject

to some discovery, deposition, and report back so I have a better sense as to what the situation is.

MR. CANNON: That makes sense to us, Your Honor.

MR. PERLOFF: And I agree that we should do that. I do think, though, that the goal here would be to be a, you know, full and fair amount of discovery, not, you know, the bear minimum that Natera would want us to have, but enough that it's fair for us to be able to rebut this new issue that is being introduced in the case.

And I'm not suggesting that that necessarily means it has to be forever, but I don't think the goal should be just the bear minimum. It needs to be what we need to defend ourselves. We're not going to embellish it for that, but I do think it needs to be full and fair.

THE COURT: Well, what I would want is for you, both sides report back to me in terms of who is available, what you think is needed, what each of you think is needed to be fair about it. And I suspect there may be a difference here in terms of scope, but I'd like to find out that information.

It seems to me that the other, even though it's a rush matter, but now that you've got something in a report and to prepare a counter, you know, if you want to bring a quick *Daubert* motion, I mean, that probably can be done in fairly short order. It's not ideal, but I think the unknown is the third-party stuff, which I think, given the nature of this

abstract and the limited information that we have, I think -- and given potential importance of this information, I think it is something that should be reasonably explored in discovery.

So what I'd like to do is set a time when we can get back together in short order and you can report back to me what you have found. I'm going to suggest sometime next week, perhaps by Wednesday. We can do a quick conference call or another status here perhaps in the morning.

MR. CANNON: Works for me, Your Honor.

MR. PERLOFF: That will work for us. We'll make it work for us.

THE COURT: All right. Why don't we say 10:00 o'clock on the 21st. And at that point I will obviously have to decide what we're going to do schedule-wise.

Let me ask, in terms of if -- and it's a big "if" -- I do decide that some postponement is warranted, are there -- you may not look at your calendars, but mine is fairly impacted, whether there are dates that you know that conflict with other trial obligations for lead counsel.

MS. MAROULIS: Your Honor, I may need to consult with Mr. Johnson, my co-lead counsel. If we may report that back to you on the same Wednesday hearing, that would be great, or earlier, but I don't have access to his calendar right at this moment.

THE COURT: All right. Well, we can discuss that,

too. Because if I do decide to continue this for a bit, I still consider this our priority case, because there's injunctive relief, it's ongoing competition here. I will want -- I would want to set a date certain. So make sure you have your trial calendars ready.

MR. CANNON: Understood.

MS. MAROULIS: Will do, Your Honor. Thank you.

THE COURT: All right. And finally, of course, I have to ask the question: Are there any ongoing discussions between the principals, any glimmer there?

MS. MAROULIS: Your Honor, there are some business-to-business discussions. There was a call last week, and Natera is always negotiating in good faith and is willing to entertain any reasonable proposals.

MR. PERLOFF: Yeah, my understanding was they flamed out, but that, of course, never precludes additional conversations. But there wasn't the kind of progress that you would want to hear about, let's put it that way, Your Honor.

THE COURT: All right. And there is no thought about bringing in a third-party neutral to facilitate things that would be helpful?

MR. PERLOFF: I don't think so, Your Honor. We, you know, we had Judge Lang Phillips, and then we had somebody from the courts that system, you know, and both tried, and, you know, did a wonderful attempt, but that didn't work.

THE COURT: Okay. Well, all right. If your principals change their mind and they're interested, for instance, in an emergency settlement conference, for instance, with a magistrate judge, I can try to pull a couple strings in that direction. So I leave that with you.

MS. MAROULIS: Thank you, Your Honor. Understood.

MR. PERLOFF: Good to know.

THE COURT: All right. Talk to you on Wednesday.

MR. PERLOFF: Thank you, Your Honor.

THE COURT: Thank you.

(Proceedings adjourned at 5:07 p.m.)

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Dated: February 16, 2024

Rhonda L. Aquilina, CSR #9956, RMR, CRR, CRC
U.S. Court Reporter